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HARDWOOD DEALERS AGREEMENT ILLEGAL

'Open Competition' Plan Is Called Restraint of Trade by Supreme Court.

OLD EVIL IN NEW DRESS

Concerted Action to Raise Price and to Withhold Products Seen.

WASHINGTON, Dec. 19.—The open competition plan of the American Hardwood Manufacturers Association was denounced by the Supreme Court today as a restraint upon trade in violation of the Sherman anti-trust law.

Department of Justice officials commenting upon the decision said it would form the basis for the Government's policy toward hundreds of associations maintained by various industries to exchange price and other trade information. Activities of these associations have been under observation by the department for some time, but definite formulations of policy, it has been stated by Attorney-General Daugherty, awaited to-day's decision in the nation's highest court.

In rendering its decision the court divided, six to three, Justices McKenna, Holmes and Brandeis dissenting. It sustained the United States District Court of Western Tennessee, which in April, 1920, granted an injunction perpetually restraining the association from entering into further agreements under the plan, forbidding the further distribution of statistical information under the plan and directing the abandonment of all "efforts whatsoever having the purpose or tendency to enhance or maintain prices."

The opinion of the court was delivered by Justice Clarke, who described the organization of the association's statistical bureau, explaining in detail its methods for both obtaining and disseminating information concerning the trade and asserting it was a clear combination to restrict production and to increase prices. Concerted action among the members was obtained, he stated, not only by the distribution of reports issued under the open competition plan but by frequent meetings and questionnaires.

The meetings of the members resulted in concerted action, Justice Clarke stated, to raise prices regardless of conditions, and the plan was termed by him "misleading and a misnomer" and an old evil in a new dress and a new name. He added that instead of a plan to promote open competition it operated to restrict competition. Justice Holmes in dissenting stated that the methods of the association could not be objected to in "this country of free speech" as a combination in restraint of trade; that while it was a combination among sellers it was not unlawful, that its meetings and information circulating through the bureau were open to the public, that a combination before it can be termed unlawful must engage in an unreasonable restraint of trade and overreach normal market conditions.

Decision Pleases Undermyer.

"That is splendid," was Samuel Undermyer's comment when informed that the Government had won its suit against the American Hardwood Manufacturers Association. Considerable evidence dealing with the association's activities and especially its method of maintaining so-called "open price competition" was brought out by Mr. Undermyer before the Lockwood Committee.

"The decision is directly in line with our contention, and I believe it means the end of this fake open price competition, which was nothing but a sham to cover thousands of criminal practices. Nearly every big industry had a similar plan for price fixing and I think the decision given in the hardwood case will be applicable to all. I believe that the outcome will be hundreds of pleas of guilty from similar combinations."

ARMORED CAR TO CARRY SECURITIES IN SAFETY

National Surety Company to Safeguard Service.

Frequent and successful robberies by armed bandits in New York have resulted in a decision by the National Surety Company to provide an armored automobile to protect approximately \$500,000 worth of securities which the company and its patrons transport every year through the city streets. The service will be similar to that already adopted by the Post Office Department.

The car, which will be at the disposal of the company's customers, as well as for its own use, will be armored throughout with steel plates a quarter of an inch thick which will be impervious to automatic pistol bullets. It will be manned by two guards armed with rifles and the chauffeur also will be armed.

The company sometimes transports as much as \$1,000,000 on a single trip. Much larger sums frequently are carried for customers. The company is circulating its clients to obtain their views regarding the usefulness of the car.

STILLMAN COURT AGENT APPOINTED FOR CANADA

30 Witnesses to Be Examined in Middle January.

SPECIAL DISPATCH TO THE NEW YORK HERALD.

PONCHIKOFF, N. Y., Dec. 19.—Justice McHugh in the Supreme Court announced to-day that he had appointed Eugene H. Godin, Kings County, as a special commissioner to take testimony in the James A. Stillman divorce suit. Mr. Godin will sit in Montreal on January 11, and as many days thereafter, as the lawyers deem necessary to examine the thirty or more witnesses to be called by the defense.

Gonsalve Desaulniers, also an attorney of Montreal, will act as special counsel for Mrs. Stillman at the hearings. The proceedings will be in French.

CONVICTED OF KILLING DAUGHTER'S INFANT

Verdict of Manslaughter Against Mrs. Matie Kirby.

SPECIAL DISPATCH TO THE NEW YORK HERALD.

ADRIAN, Mich., Dec. 19.—Mrs. Matie Kirby was convicted to-day of manslaughter in connection with the death of her unmarried daughter's infant son July 4 last.

Mrs. Kirby showed no signs of emotion when the verdict was read. After the court formalities she walked from the room. A \$5,000 bond gives Mrs. Kirby her freedom until December 27.

"I am innocent, and God knows it," the verdict is unjust. If the truth were known, my innocence would be established," said Mrs. Kirby.

DOVER TO ASSIST MELLON.

Tacoma Man Nominated for Secretaryship by Harding.

WASHINGTON, Dec. 19.—Elmer Dover, of Tacoma, Wash., was nominated to the Senate to-day by President Harding to be Assistant Secretary of the Treasury.

Mr. Dover, for many years associated with the Republican National Committee, acted as Western manager in the last Presidential campaign.

PICKET INJUNCTIONS DECLARED LAWFUL

U. S. Supreme Court Holds State Law Prohibiting Them Is Invalid.

WASHINGTON, Dec. 19.—The States in the exercise of their police power have no authority through legislative action to prohibit the courts from enjoining picketing in labor disputes, the Supreme Court held to-day in a decision involving an act of the State of Arizona.

In the opinion, upon which the court divided five to four, it was held that the lower courts erred in refusing to consider any application for an injunction which was sought to restrain certain methods of picketing. Chief Justice Taft delivered the opinion of the court. Justices Holmes, Pitney and Brandeis separately stated dissenting views, and Justice Clarke joined in the opinion announced by Justice Pitney.

"The legislative power of a State can only be exerted in subordination to the fundamental principles of right and justice which the guaranty of due process in the Fourteenth Amendment is intended to preserve," declared the Chief Justice, "and that a purely arbitrary or capricious exercise of that power whereby a wrongful and highly injurious invasion of property rights, as here, is practically sanctioned and the owner stripped of all remedy, is wholly at variance with these principles."

The Chief Justice stated that illegality of the means used in the present case to drive customers away was "without doubt and fundamental."

"This makes this plan an unlawful conspiracy," the decision declared. "The means used are the libelous and abusive attacks on the plaintiffs' (employers) reputation, threats... of such attacks on would be customers, picketing and patrolling of the entrance of their place of business with these accompaniments and the consequent obstruction to free access thereto, all with the purpose of depriving the plaintiffs of their business, to give operation to a statute whereby serious losses inflicted by such unlawful means are in effect made remediless.... The Constitution was intended to prevent experimentation with the fundamental rights of the individual."

The Chief Justice asserted that holding the Arizona law invalid would not necessitate declaring void Section 25 of the Clayton act, relating to immunity of labor organizations from certain laws prohibiting combinations in restraint of commerce. The construction put upon the Arizona law by the Arizona Supreme Court makes that law and the Federal statute as different "in meaning as if they were in wholly different languages," he said.

The State court, however, in the opinion of dissent delivered by Justice Brandeis should be sustained, "because in applying its rule in regard to boycotts and peaceful picketing, Arizona did not deprive the plaintiffs of property without due process of law or deny them equal protection of the law." "Because if Arizona was prohibited from adopting this rule of substantive law it was still free to restrict the extraordinary remedies of equity where it considered their exercise to be detrimental to the public welfare, for such restriction was not a denial to the employers of either due process of law or equal protection of the laws."

BUST OF ROOSEVELT UNVEILED AT WYKAGYL

New Rochelle Residents Make Gift to School.

A bronze bust of Theodore Roosevelt was unveiled by his sister, Mrs. Corinne Roosevelt Robinson, in Roosevelt School, Wykagyl, New Rochelle, yesterday afternoon. The bust is the work of James Earl Fraser, who did the noted Roosevelt cowboy statue in the United States Senate, and was purchased with the proceeds of a popular subscription by the people of New Rochelle.

Judge John S. Bixel presented to the school a copy of the Roosevelt memorial published by the State of New York and the children placed a wreath of laurel on the bust. Other speakers were George Watson, chairman of the building committee of the New Rochelle Board of Education; Dr. Albert S. Leonard, Superintendent of Schools, and James Wilkinson, principal of Roosevelt School.

GIFTS FOR HOSPITALS SOUGHT BY COPELAND

'Typhoid Mary' One of Patients to Be Benefited.

Dr. Royal S. Copeland, Health Commissioner, appealed yesterday for gifts for the ill in Health Department hospitals. He described many of these patients as virtual prisoners who were being kept in the institutions against their will "in order that society may be protected."

Among these he listed the famous "Typhoid Mary" who the Commissioner said, "is just as well and husky a woman as any one you will see, but so many cases of typhoid fever have been traced to this woman that we have to keep her under our charge so that society may be protected."

The Commissioner asked that the gifts be in money or otherwise so Christmas may be made a little brighter for the unfortunate.

C. O. D. FRAUD IN MAIL.

Mailing of parcels C. O. D. unless the sender has a bona fide order from the consignee is a violation of postal regulations and may be construed as an attempt to defraud. E. M. Morgan, Postmaster, warned yesterday. He asked the public to bring to his attention any such practices.



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Riding Habits \$125 upward

DR. LORENZ CLOSE TO COLLAPSE AGAIN

Examines 110 in Day and Has to Be Assisted From Consulting Room.

So many patients have applied to Dr. Adolf Lorenz for treatment at the tri-weekly clinic of the Health Department that Dr. Royal S. Copeland, Health Commissioner, issued instructions yesterday that henceforth preliminary examinations will be conducted by the department's doctors on alternate days to select cases for inspection.

This is being done both out of consideration for Dr. Lorenz's failing strength and afford more time for patients who may be benefited by his advice.

Dr. Lorenz examined 110 crippled children and adults at the Health Department Building yesterday, and was so exhausted at the end that he had to be assisted from the consulting room, and it was some time before he was able to leave the building. Later he was able to go to the Bankers Club, where he spoke at a luncheon for the Broad Street Hospital.

"He was nearest to a break down than I have ever seen him," Dr. Copeland said. "The examinations were too long, and in the future the number will be limited to seventy-five."

The preliminary examinations will be held at the Health Department Building, 605 Pearl street, Tuesday, Thursday and Saturday mornings, from 9 to 12 o'clock, and in the Brooklyn office, Flatbush avenue and Wiloughby street, daily from 9 to 12 o'clock, on Wednesdays.

An invitation to visit Chicago was extended to Dr. Lorenz yesterday by Dr. John Dill Robertson, Health Commissioner of Chicago. It is understood that Dr. Lorenz accepted the invitation, and gave a tentative promise that he probably would start West about February 1.

SING SING DEPORTS CONVICTS.

Joseph Sorace and John Miller, who escaped recently, and several other convicted men classed as undesirable by Lewis E. Lawes, warden, were ousted from Sing Sing yesterday and sent to Clinton prison at Dannemora. They were handcuffed and leg ironed and placed in a special car with five armed guards.

BRASS

By CHARLES G. NORRIS

BRASS is not an attack on marriage. BRASS is an absorbing story of marriage ties, carelessly assumed, easily broken. BRASS is a vivid picture of conditions which do exist in every American town.

The Literary Digest finds it "thoroughly natural, absolutely realistic and convincing... a notable novel."

Gertrude Atherton says: "It is so indisputably true to life."

The Outlook says that it "takes hold of the reader's attention strongly. Few women will leave it unfinished, once begun."

Wallace Irwin: "The finest thing I have read for a long time."

The Boston Herald comments on its "big totals and intense vitality... A novel to stimulate discussion."

Rupert Hughes: "Of amazing truth, bravery and vividness."

The Argonaut, San Francisco: "Extraordinarily well done."

Walter Mobery, bookseller in N. H.: "I like it and shall have to re-order."

Greensboro News: "It is strong, courageous, tonic; it is interesting."

Fannie Hurst says: "'Brass' is a big unafraid book... I am glad 'Brass' has been said."

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D3868—Walnut Stool, covered with damask	\$100.00	D292—Walnut and Oak Book Tables	\$50.00
D10761—Mahogany Pie Crust Table	100.00	A2051X—Mirror, 25" x 46"	50.00
D1517—Round Mahogany Carved Table, 45" diameter	100.00	D1784—Mahogany Side Chair, covered with brocade	50.00
D8034—Oak Gate-Leg Table, 39" x 36"	100.00	S1577—Pewter Pot	50.00
D5263—Walnut Table (End)	95.00	8720—3 yds. Antique Blue Brocade	40.00
S2869—Painted and Leather Desk Sets	95.00	S2632—Ink Stand, silver and glass	40.00
S1106—Blue and White Vase	90.00	D2944—Oak Stool, wood seat	40.00
D10869—Mahogany Tea Table, 28" long lower shelf carved	90.00	9506—Brocade Table Cover	40.00
S2692—Silver Set, 5 pieces	85.00	S847—Bookends, various colors lacquer	35.00
D8033—Gate-Leg Table, walnut, oak and mahogany	85.00	D5237—Waste Basket, various woods	35.00
S2308—Chinese Vase	83.50	S2507—Book Carrier, various colors	35.00
D4730—Walnut Gate-Leg Tea Table	80.00	D3117—Paper Rack, black lacquer	35.00
D2431—Mahogany Adam Center Table 36" long	80.00	D4217—Book Table, various woods	35.00
D8892—Green and Painted Arm Chair, cane seat	78.00	D4661—Oak Table (End)	35.00
S1422—Stool in tapestry	75.00	D5319—Lacquer Waste Basket	35.00
A2740X—Walnut Rectangular Table 60" x 31" x 30"	75.00	S2837—Pine Top Jacobean Table, 36" x 24"	35.00
D7943—Oak Telephone Table	70.00	M164-24—Lamp	30.50
D2643—Chinese Vase	67.50	S377—Lamp Shade	30.50
S1321—Vase, with teak wood base and top	67.00	S2216—Silver Candle Sticks, each	28.00
9511—Antique Table Cover	60.00	A1696X—Silver Basket	27.00
D1666A—Smoking Stands, various woods	60.00	D11331—End Tables, walnut 2' 6" x 1' 4" x 2' 2"	25.00
S287—Antique Brocade and Velvet Pillow	60.00	S1577—Pewter Plate, large	25.00
D10782—Cherry and Elm Chair	55.00	D2933—Foot Stool, covered with tapestry	25.00
D10626—Card Table, felt top or linoleum top, various woods	55.00	M153/04—Iron Candlestick, 54" high	20.00
S2287—Ivory and Inlaid Bird Cages, each	50.00	D8709—Round Table Cover	18.00

SLOANE VACUUM CLEANERS, complete with 3 attachments, \$45.00.
GREENELL HOOKED RUGS with Arctic Scenes, approximately 24' x 48', \$18.00.
SMALL ORIENTAL RUGS, Hearth Size, from \$20 up.
SCREENS, various designs, painted on leather, \$80 up.
FRAMED PRINTS from \$15.00 up.
MOHAIR RUGS 18" x 50" to 36" x 72" from \$5.75 to \$22.75.
WILTON RUGS 9' x 12' \$75 to \$100.

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